

Law Reform Commission

Twenty-ninth Annual Report 1999 - 2000

Ministerial
Law Reform
Commission



Manitoba



Law Reform Commission

Commission de réforme du droit

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TWENTY-NINTH ANNUAL REPORT

1999-2000

March 31, 2000

The Manitoba Law Reform Commission was established by *The Law Reform Commission Act* in 1970 and began functioning in 1971.

Commissioners:

Clifford H.C. Edwards, Q.C., *President*
John C. Irvine
Hon. Mr. Justice Gerald O. Jewers
Eleanor R. Dawson, Q.C.*
Hon. Pearl K. McGonigal

Administrator:

Suzanne Pelletier

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*Ms Dawson was appointed to the Federal Court of Canada on December 1, 1999 and, as a result, has resigned from the Commission.



The Manitoba Law Reform Commission is an agency of and receives grants from the Government of Manitoba



Grants are also received from The Manitoba Law Foundation

Copies of the Commission's Reports may be ordered from the Publications Branch, Office of the Queen's Printer, 200 Vaughan Street, Winnipeg, MB R3C 1T5; however, some of the Commission's Reports are no longer in print.

TABLE OF CONTENTS

| | Page # |
|--|---------------|
| THE COMMISSION'S MANDATE | 1 |
| PART I - INTRODUCTION | 2 |
| PART II - THE YEAR IN REVIEW: April 1, 1999 to March 31, 2000 | 3 |
| 1. REPORTS ISSUED | 3 |
| 2. IMPLEMENTATION | 5 |
| 3. CURRENT PROJECTS | 6 |
| PART III - ADMINISTRATION | 8 |
| 1. THE COMMISSIONERS | 8 |
| 2. STAFF | 9 |
| 3. CONSULTANTS | 9 |
| 4. FINANCE | 9 |
| 5. PUBLIC RELATIONS | 10 |
| PART IV - CONCLUSION | 11 |
| APPENDIX A - FINANCIAL STATEMENT 1999-2000 | 13 |
| APPENDIX B - REPORTS OF MANITOBA LAW REFORM COMMISSION AND THEIR IMPLEMENTATION | 15 |



THE COMMISSION'S MANDATE

The Manitoba Law Reform Commission is an independent agency of the Government of Manitoba established by *The Law Reform Commission Act*. The Commission's duties are to inquire into and consider any matter relating to law in Manitoba with a view to making recommendations for the improvement, modernization and reform of law, including:

- the removal of provisions of the law which are outdated or inconsistent;
- the maintenance and improvement of the administration of justice;
- the review of judicial and quasi-judicial procedures under any Act; and
- the development of new approaches to and new concepts of law in keeping with and responsive to the changing needs of society and of individual members of society.

PART I

INTRODUCTION

In order to be effective, a law reform commission requires certain attributes. One such attribute, which we believe is essential to the continuing operation of the Manitoba Law Reform Commission, is permanence. Since its near abolition in early 1997, the Commission has been relying for its existence on accumulated surpluses from previous years and small annual grants from the Department of Justice of the Manitoba Government and the Manitoba Law Foundation. Funds have also been received from other government departments for specific projects under study.

A recent article in the Australian Law Journal stated:

For the last 30 years, we have had specialist bodies which have contributed an immense amount to the modernisation and improvement of our laws. They have shown that law reform is a special kind of legal expertise, different from the practice of law, the academic role and the other various special functions that lawyers perform. All this is now in danger: as suggested by one commentator, "we are heading back to the situation where law reform will be mainly an activity for enthusiastic amateurs".¹ It is much to be hoped that the trend will be reversed, and that this will not happen.²

We fully agree with Dr. Handford that this should not be allowed to happen and urge the Government of Manitoba to provide the Commission with a more stable financial base with which to accomplish its goal of keeping the laws of Manitoba under continuous review.

... history shows that a nation which neglects the ordinary care of its laws is neglecting something which is very important to its national well-being.³

¹Raynor, *Rooting Democracy: Growing the Society We Want* (1997).

²Handford, P., "The Changing Face of Law Reform" (1999) 73 Australian L.J. 503.

³Law Commission (England), *Twenty-Eighth Annual Report 1993* (Law Com No 223) 1.

PART II

THE YEAR IN REVIEW

April 1, 1999 to March 31, 2000

1. REPORTS ISSUED

Three Reports were submitted to the Minister of Justice and Attorney General during the past year. The following is a brief description of each Report.

#101 - *Trustee Investment: The Modern Portfolio Theory* - June 1999

The main objective of the Report is to help trustees in their investment decisions. Contemporary investment markets are very sophisticated. The Report rejects the present requirement that each asset that is acquired for the trust must itself satisfy the test of carefulness as if it were the sole trust asset the trust has. Instead, the Report adopts the principle that the care the trustee must take is to be measured by how that trustee handles the investment portfolio as a whole. This has long been wise investment practice for investors with their own portfolios.

Trustees, in investing, must always be "prudent"; which means careful. Part of that job is keeping a close eye on the market and adjusting the "mix" of assets so that the trust fund is always at its most efficient. Modern portfolio investing insists on that.

One result of Manitoba adopting this approach to investment would be that, when a trustee has been found by a court to have culpably caused loss as a result of investments made, the amount of that loss may be set-off against gains otherwise properly made in investment. That, the Commission thinks, is more fair. The present Act is silent on the point.

The Commission also recommends that charitable and non-profit organizations be able to take advantage of "total return" distribution. In other words, where a charity or non-profit organization holds an endowment fund in Manitoba, it would be able to make distributions from that fund for the benefit of the endowment purposes without regard to the form in which the investment return arose, whether it was income or capital gain. Only if the donor has expressly said not to do so would this be prohibited. At the moment the organization can probably spend income only, and income rates today are very low.

Unless the donor has provided otherwise, each organization would determine for itself the percentage of the "total return" that can wisely be expended each year, and the Act will be of assistance in helping the organization decide how often that percentage figure is to be reviewed.

We wish to thank Dr. Donovan W.M. Waters, Q.C., our consultant on this project, Lee Ann Martin who translated the Executive Summary into French and the Manitoba Law Foundation without whose grant this project could not have been completed.

#102 - Informal Assessment of Competence - September 1999

The report recommends the provision of guidelines, training, and informational kits to assist people who, in the course of their professional or private lives, are routinely required to assess the mental competence of others to make a particular decision or undertake a given task. The most obvious situations requiring such assessment arise in personal care facilities but similar determinations are made every day in other institutions. A banker whose elderly client suddenly wishes to withdraw a large sum of money, for example, may need to assess whether the client is competent to give those instructions.

There are at present no statutory or other guidelines to assist people who are required to make these informal assessments of competence, or to protect the rights of people whose competence is being assessed. The Commission recognizes the potential legal risks faced by the assessors, and recommends that assessors ought to be provided with standardized guidelines, formal procedural training, and informational kits. The Commission also recommends that people conducting informal assessments in good faith and in accordance with the standardized guidelines be immune from lawsuits based on the conduct of the assessments.

In order to ensure that the guidelines and other materials are as helpful as possible, the Commission recommends that the Government establish an Advisory Panel, an independent body of qualified professionals, to consider the many issues involved, including the Commission's other recommendations.

We wish to thank Jonathan G. Penner, an independent researcher from Victoria, B.C. and the Manitoba Law Foundation and the various departments which provided the additional funding necessary to complete this project.

#103 - Adult Protection and Elder Abuse - December 1999

The Commission recommends a number of ways to enhance the protection of adults against physical and psychological abuse and neglect. Abuse and neglect of the elderly by persons with whom they are in a close relationship has become an increasingly

obvious problem in Canadian society. The Commission believes that the problem cannot be tackled effectively in isolation. Rather, it would be best addressed in the larger context of the abuse and neglect of other vulnerable adults.

The Commission concludes that Manitoba's newly proclaimed *Domestic Violence and Stalking Prevention, Protection and Compensation Act* goes a long way in addressing the problem but recommends a number of improvements to make the legislation more effective.

The Commission also recommends a number of ways to improve the enforcement of protection orders, as well as a number of additional measures to further enhance the security of vulnerable adults. These measures include establishing a vulnerable persons law clinic, setting up resource centres for vulnerable adults, improving protection against financial exploitation, and broadening requirements for reporting incidents of abuse and neglect.

The Commission is grateful to Prof. Anne McGillivray of the Faculty of Law, University of Manitoba and Jonathan G. Penner and Blane Morgan, independent researchers from Victoria, B.C., for their work in the completion of this project. As well we wish to thank the Manitoba Law Foundation and the various government departments who provided the much needed funding to complete the project.

2. IMPLEMENTATION

Since its establishment in 1970, the Commission has issued 142 Reports (103 formal and 39 informal) of which over 75% have been implemented. Amendments to *The Court of Queen's Bench Small Claims Practices Act* during the past year increased the monetary limits of the Small Claims Court's jurisdiction and on claims for general damages as recommended by the Commission in its Report on the *Review of the Small Claims Court* (Report #99, 1998). As well, several professional associations continue to amend their regulating legislation each year based on the Commission's recommendations in its Report on *Regulating Professions and Occupations* (Report #84, 1994). *The Domestic Violence and Stalking Prevention, Protection and Compensation Act*, enacted in 1998, was proclaimed in force on September 30, 1999. It implements the recommendations in our Report on *Stalking* (Report #98, 1997).

3. CURRENT PROJECTS

Compensation for Vaccine-Damaged Children

Prof. Philip Osborne of the Faculty of Law, University of Manitoba, continues to act as our consultant on this project. A law student, Lee Ann Martin, was also retained to assist Prof. Osborne; she conducted much of the empirical research on the project.

As noted in earlier annual reports, astonishing advances have been achieved in this area of preventative medicine; however, such advances have not been without a real human cost. A draft paper prepared by Prof. Osborne was reviewed by the Commission in February and it was agreed, at that time, that the report should be restricted to vaccine-damaged children. The report will also address the issues of mandatory reporting and the professional's duty to provide information to parents with respect to the possible adverse effects of vaccination.

The Commission hopes to submit its report to the Minister in the summer of 2000.

Civil Law Damages for Wrongful Death

In March 2000, the Minister of Justice and Attorney General of Manitoba requested that the Commission consider the issue of the amount of bereavement damages for non-pecuniary loss being awarded in Manitoba for wrongful death. The scope of the project would include a review of the legislation and case law in Manitoba and other jurisdictions as well as articles and studies which have been published in recent years. Prof. Philip Osborne of the Faculty of Law, University of Manitoba, has agreed to undertake this project in the coming year.

The Legislative Assembly and Executive Council Conflict of Interest Act

Jonathan G. Penner, an independent researcher, has been retained to conduct the research on this project and to prepare a draft report for the Commission's consideration. The project will include a comparative study of legislation in other jurisdictions and particular emphasis will be placed on improving the clarity of the current statute. We hope to complete the project during the fall of 2000.

Wills and Succession

Prof. Cameron Harvey of the Faculty of Law, University of Manitoba, has been retained as our consultant on this project. The project will include a review of some of the provisions in *The Wills Act*, *The Intestate Succession Act*, Part IV of *The Marital Property Act*, *The Dependents Relief Act* and *The Court of Queen's Bench Surrogate Practice Act*. For both testate and intestate succession, the project will also consider, in the realm of private international law, whether a single choice of law rule should govern both movables and immovables.

PART III

ADMINISTRATION

1. THE COMMISSIONERS

The members of the Commission during the past year consisted of:

| Commissioner | Affiliation |
|--------------------------------|--|
| Clifford H.C. Edwards | Dean Emeritus, Faculty of Law, University of Manitoba |
| John C. Irvine | Professor, Faculty of Law, University of Manitoba |
| Gerald O. Jewers | Justice, Court of Queen's Bench |
| Eleanor R. Dawson ³ | Practising lawyer |
| Pearl K. McGonigal | Non-lawyer |

Prof. Edwards is the President of the Commission.

At the end of this fiscal year, the Commission was operating with only four members, Ms Dawson's position being vacant since her appointment to the Federal Court of Canada in December 1999. Ms Dawson will be greatly missed by our Commission as she provided us with a wide range of expertise in the practice of law since her appointment in 1987. We wish her every success in her new career.

A great deal of additional time and work has been placed on the shoulders of our President, Prof. Edwards, who continues to direct the work of the Commission. In order to do so, he has daily contact with the Administrator and attends at the Commission office on a weekly basis. He has also undertaken the public relations aspect of the Commission when reports are released by being interviewed by the media. The Commissioners feel fortunate to have a person of his experience serve as chair of this Commission, a task which he has now been performing with dedication for some 20 years.

³Ms Dawson was appointed to the Federal Court of Canada on December 1, 1999 and, as a result, has resigned from the Commission.

2. STAFF

Our day-to-day operations are still being administered by Ms Suzanne Pelletier, who has been with the Commission since it was established in 1970. However, since our near-abolition in 1997, she is no longer a government employee but is retained on a part-time contract basis, working four days per week. We are fortunate to have such a person who has given dedicated service far beyond the normal duties of an administrator. We also acknowledge the services of Lee Ann Martin, a second year law student, who assisted Prof. Osborne on the project on vaccine-damaged children.

As we have mentioned in previous Annual Reports, maintaining a viable law reform commission requires some permanent staff. A good law reform commission should contain at least some staff members who have strong research, writing and administrative skills. We continue to urge the Government of Manitoba, through the Minister of Justice, to provide the necessary funding and staff positions to allow us to hire permanent staff.

3. CONSULTANTS

We have once again been fortunate in retaining excellent consultants to conduct our research and prepare draft reports for our review and consideration. We have also relied on these individuals to prepare the final reports once decisions have been reached as to the direction of the project and the drafting of the final recommendations and, at times, draft legislation. These included Dr. Donovan W.M. Waters, Q.C., Jonathan G. Penner and Blane Morgan, of Victoria, B.C. and Prof. Anne McGillivray, Prof. Philip Osborne and Prof. Cameron Harvey of the Faculty of Law, University of Manitoba.

Opinions were also sought and received from R. Dale Gibson & Associates of Edmonton, Alberta, and Prof. Karen Busby of the Faculty of Law, University of Manitoba.

4. FINANCE

During the 1990-2000 fiscal year, the Commission received a \$50,000 from the Department of Justice for general operating expenditures and \$31,500 from the Department of Health for the project on vaccination liability. We have not yet received a response from the Department of Justice to our request of December 1998 for additional funding of \$17,500 to cover the administrative cost of the project on conflict of interest of members of the Legislature.

Our application to the Manitoba Law Foundation for an increase in our grant from \$15,000 to \$30,000 was approved and will be used to help defray the cost of consultants' fees for our various projects. We have also been informed that our request for a general operational grant for the year 2000-2001 of \$50,000 has received favourable approval from the Foundation.

The work of the Commission during these past three difficult years would not have been possible without the assistance and continued support of the Foundation.

As will be seen from the Financial Statement contained in Appendix D, these limited amounts are barely sufficient to cover our day-to-day operations. We realize that budgets are no longer as plentiful as they were at the dawn of the law reform era of 1970; however, we are also acutely aware that our current financial situation is becoming alarmingly fragile. In meetings with our new Minister, he has assured us of his commitment to law reform and his hope to re-establish the Commission as a permanent agency of government with sufficient resources to carry on its work.

5. PUBLIC RELATIONS

In August 1999, the Commission hosted the General Annual Meeting of the Federation of Law Reform Agencies in Canada. Attending the meeting were Peter Lown and Neil Whittman from the Alberta Law Reform Institute; Greg Steele from the British Columbia Law Institute; Rod Macdonald from the Law Commission of Canada; Anne Jackman from the Law Reform Commission of Nova Scotia; Michael Finley from the Law Reform Commission of Saskatchewan; Chris Curran from the Department of Justice, Newfoundland; and our President, Cliff Edwards. The meeting consisted of an overview of jurisdictional law reform activities from those in attendance and the issue of project funding.

Release of our two most recent Reports resulted in several interviews with the media. Our President, Prof. Edwards was a guest on CJOB and was interviewed for an article in the *Winnipeg Free Press* in the fall of 1999 with respect to our Report on *Informal Assessment of Competence* and provided interviews to the *Winnipeg Free Press* and CKLT radio (Brandon) and appeared on A Channel upon the release of our Report on *Adult Protection and Elder Abuse*. The French radio station, CKSB, conducted a panel discussion on this report; however, we were unable to provide a French-speaking spokesperson for the Commission.

In January 2000, Prof. Edwards attended a meeting sponsored by the Law Commission of Canada dealing with elder abuse. And, our Report on *Confidentiality of Mediation Proceedings* was also recently critiqued by a Toronto Arbitrator and Mediator in the *Osgoode Hall Law Journal*.⁵

⁵Gray, O.V., "Protecting the Confidentiality of Communications in Mediation" (1998) 36 *Osgoode Hall L.J.* 667.

We are now researching the possibility of setting up a website for the Commission in order to make our work more accessible to the public and, if resources are available, should be able to proceed early in the new year.

PART IV

CONCLUSION

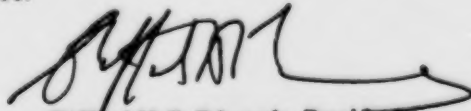
As is our custom, we take this opportunity to thank all who assisted in the work of the Manitoba Law Reform Commission over the last year. We extend special notes of thanks to our consultants and researchers who have undertaken projects with minimal remuneration. In addition we are grateful for the support which has been shown to us by the general public, various branches of government and, in particular, the legal profession and the judiciary.

We also wish to thank the staff of the Administration and Finance Branch and the Library of the Department of Justice, the Provincial Archives and Legislative Library, the E.K. Williams Library, and to the Faculty of Law, the Law Society of Manitoba and the Manitoba Bar Association for their continued support and assistance.

Very special thanks are also extended to the Manitoba Law Foundation through the office of the Chair, Richard Swystun, and Executive Director, Dr. William Greenaway, for its continued and increased support in these past years of financial instability. We are grateful as well to the Deputy Minister of Justice, Bruce MacFarlane, Q.C., who was instrumental in obtaining additional funds for our project on vaccination liability.

Finally, we thank the Minister of Justice and Attorney General, the Hon. Gord Mackintosh, for his interest in and support of the Commission, his willingness to consult with us, and his concern for the continued success of the Commission.

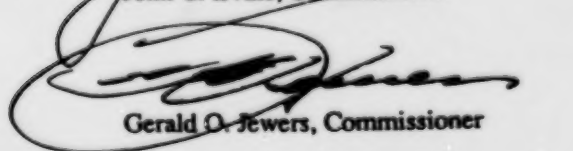
This is a report pursuant to section 15 of *The Law Reform Commission Act*, C.C.S.M. c. L95, dated this 31st day of March 2000.



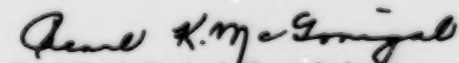
Clifford H.C. Edwards, President



John C. Irvine, Commissioner



Gerald O. Jewers, Commissioner



Pearl K. McGonigal, Commissioner

APPENDIX A

Statement of Receipts and Expenditures 1999-2000 Fiscal Year (000's)

OPERATING ACCOUNT

| | |
|------------------|----------------|
| April 1, 1998 to | April 1, 1999 |
| March 31, 1999 | March 31, 2000 |

RECEIPTS

| | | |
|--|--------------------|-------------------|
| Funds carried forward | 30.6 | 42.2 ¹ |
| Grant from Justice Department | 50.0 | 50.0 |
| Transfers from other Departments | 71.5 ¹ | |
| Total | 152.1 | 92.2 |

EXPENDITURES

| | | |
|--|--------------------|-------------|
| Commissioners' remuneration & benefits | 35.6 | 32.6 |
| Telephone, fax, postage, courier | 3.3 | 2.7 |
| Printing of reports | 10.8 | 9.6 |
| Administrative & consultancy contracts | 44.9 | 29.0 |
| Rent | 10.5 | 10.7 |
| Supplies & services | 0.6 | 0.3 |
| Computer related expenses | 1.9 | 5.3 |
| Other operating | 1.7 | 1.0 |
| Travel and accommodation | 0.6 | 0.5 |
| Membership fees | 0.0 | 0.4 |
| Total | 109.9 | 92.1 |
| Surplus(Deficit) | 42.2 | 0.1 |

¹Includes a grant of \$31.5 from the Department of Health for our project on vaccination liability.

MANITOBA LAW FOUNDATION GRANT

| | |
|------------------------------|----------------|
| April 1, 1998 to | April 1, 1999 |
| March 31, 1999 | March 31, 2000 |

RECEIPTS

| | | |
|-----------------------------|-------------------|-------------|
| Funds carried forward | 0.0 | 0.4 |
| Grant received | 15.0 | 30.0 |
| Total | 15.0 | 30.4 |

EXPENDITURES

| | | |
|--------------------------------|-------------------|-------------|
| Consultancy Contracts | 14.6 | 27.2 |
| Total | 14.6 | 27.2 |
| Surplus (Deficit) | 0.4 | 3.2 |

WALTER C. NEWMAN FUND

| | | |
|--------------------------------|------------------|------------|
| Funds carried forward | 3.2 | 0.2 |
| EXPENDITURES | 3.0 | 0.0 |
| Surplus (Deficit) | 0.2 | 0.2 |

APPENDIX B

REPORTS OF THE MANITOBA LAW REFORM COMMISSION AND THEIR IMPLEMENTATION

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|---|-------------------|---|
| #1 | Jury Services for Registered Indians | April 7, 1971 | An Act to Amend The Jury Act, S.M. 1971, c. 32 |
| #2 | Summary Disposition of Builders' and Workmen's Liens | April 13, 1971 | An Act to Amend The Builders and Workmen Act, S.M. 1976, c. 22 |
| #3 | Disposition of Maintenance Judgments in Land Titles Offices | May 25, 1971 | An Act to Amend The Judgments Act, S.M. 1972, c. 4 |
| #4 | An Act Respecting Billiard and Pool Rooms proposed repeal | October 19, 1971 | The Statute Law Amendment Act (1974), S.M. 1974, c. 59 (s. 8) |
| #5 | Recommended Right of Mortgagors to Obtain Annual Statements | October 19, 1971 | An Act to Amend The Mortgage Act, S.M. 1971, c. 28 |
| #6 | Enactment of a Mineral Declaratory Act | December 20, 1971 | The Sand and Gravel Act, S.M. 1972, c. 34 An Act to Amend The Mines Act, S.M. 1972, c. 70 (s. 11) An Act to Amend The Real Property Act, S.M. 1972, c. 70 (ss. 15 and 16) |
| #7 | Powers of Entry, Search and Seizure in The City of Winnipeg Act | January 24, 1972 | An Act to Amend The City of Winnipeg Act, S.M. 1972, c. 93 (ss. 26, 37, 68, 69, 89 and in part ss. 38, 39 and 63) |
| 1A | Auto Engine Numbers in Section 11 of The Bills of Sale Act | May 11, 1971 | The Statute Law Amendment Act, S.M. 1972, c. 81 (s. 3) |
| 1B | (a) Prospect of Mortgagor's Relief from Provisions of Section 20(6) of The Mortgage Act | December 29, 1971 | (change not recommended) |
| | (b) Right to Have Mortgage Discharged Upon Payment in Full After Five Years | December 29, 1971 | An Act to Amend The Real Property Act, S.M. 1972, c. 37 (s. 103(1)) |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|---|--------------------|---|
| 1C | Amending provisions as to costs in Part II of The County Courts Act to avoid inconsistency with intent of this new legislation | January 12, 1972 | An act to Amend The County Courts Act, S.M. 1972, c. 38 |
| | First Annual Report | March 13, 1972 | (not applicable) |
| #8 | Section 45 of the Offenses Against the Person Act, 1861 | July 27, 1972 | An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13 |
| #9 | A Review of The Privacy Act with proposed Amendments to the Criminal Code of Canada | September 11, 1972 | (change not recommended) |
| #10 | The Abolition of Interspousal Immunity in Tort | December 19, 1972 | An Act to Amend The Married Women's Property Act, S.M. 1973, c. 12; An Act to Amend The Tortfeasors and Contributory Negligence Act, S.M. 1973, c. 13; An Act to Amend The Criminal Injuries Compensation Act, S.M. 1973, c. 23 |
| 2A | Comments on draft Bill to Amend The Jury Act | April 21, 1972 | An Act to Amend The Jury Act, S.M. 1972, c. 56 |
| 2B | Relaxation of Limit of Number of Trustees under The Trustee Act | June 22, 1972 | An Act to Amend The Trustee Act, S.M. 1972, c. 60 |
| 2C | Uniformity of Definition of Age as between The Age of Majority Act (Man.) And the Criminal Code and the Interpretation Act (Can.) | August 14, 1972 | (not applicable for provincial amendment) |
| 2D | Automatic Attachment of Wages for Maintenance Orders | November 27, 1972 | An Act to Amend The Garnishment Act, S.M. 1974, c. 8 |
| | Second Annual Report | March 20, 1973 | (not applicable) |
| #11 | The Advisability of a Good Samaritan Law | March 8, 1973 | (change not recommended) |
| #12 | Section 110 of The Real Property Act - the immortal Manitoba mortgage | April 11, 1973 | An Act to Amend The Real Property Act, S.M. 1974, c. 44 |
| #13 | Pre-licensing Education for Real Estate Agents in Manitoba | December 3, 1973 | An Act to Amend The Real Estate Brokers Act, S.M. 1975, c. 23 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|---|--------------------|--|
| #14 | Special Enduring Powers of Attorney | January 8, 1974 | The Powers of Attorney Act, S.M. 1980, c. 4 |
| #15 | Administration of Justice Part I - Control of Post-arrest/pre-trial detention | February 26, 1974 | Administration of the Public Safety Building in Winnipeg assumed by the Province of Manitoba, effective October 1, 1977; now called The Winnipeg Remand Centre |
| 3A | Conferring of matrimonial jurisdiction upon a County Court Judge as a local Judge of The Queen's Bench within the Eastern Judicial District | March 30, 1973 | An Act to Amend The Queen's Bench Act, S.M. 1978, c. 28 |
| 3B | Correcting recent error in s. 51 of The Queen's Bench Act | September 26, 1973 | An Act to Amend The Queen's Bench Act, S.M. 1974, c. 15 |
| 3C | Conferring jurisdiction to extend time for payment of fines upon provincial judges other than those who imposed such fines | October 16, 1973 | (not applicable for provincial enactment) |
| 3D | Up-dating index to Statutes of Manitoba | October 23, 1973 | Indexing commenced; computer search of statutes available |
| 3E | Repeal of Section 212 of The Liquor Control Act | December 19, 1973 | Substantial acceptance under s. 16 of An Act to Amend The Liquor Control Act, S.M. 1974, c. 63 |
| | Third Annual Report | April 1, 1974 | (not applicable) |
| #16 | Definition of Death | May 6, 1974 | An Act to Amend The Vital Statistics Act, S.M. 1975, c. 5 |
| #17 | An International Form of Wills for Manitobans | May 6, 1974 | An Act to Amend The Wills Act, S.M. 1975, c. 6 |
| #18 | The Rule in Saunders v. Vautier | January 8, 1975 | An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38 (s. 4) |
| #19 | The Administration of Justice in Manitoba Part II - Review of The Jury System | February 11, 1975 | An Act to Amend The Jury Act, S.M. 1977, c. 18 |
| 4A | Interprovincial Subpoenas | January 27, 1975 | The Interprovincial Subpoena Act, S.M. 1975, c. 3 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|---|-------------------|---|
| 4B | Enforcement of Custody Orders | January 27, 1975 | The Extra-Provincial Custody Orders Enforcement Act, S.M. 1975, c. 4 |
| 4C | Statutory Sums | February 11, 1975 | Various amendments to Manitoba statutes |
| | Fourth Annual Report | April 9, 1975 | (not applicable) |
| #20 | The Highway Traffic Act | June 16, 1975 | An Act to Amend The Highway Traffic Act, S.M. 1977, c. 34 |
| | | | An Act to Amend The Highway Traffic Act and The Tortfeasors and Contributory Negligence Act, S.M. 1980, c. 19 |
| #21 | The Administration of Justice in Manitoba Part III - Consolidation of Extra-Provincial Judgment Enforcement | January 28, 1976 | - |
| #22 | Some Aspects of Fire Insurance Legislation in Manitoba | February 9, 1976 | An Act to Amend The Insurance Act, S.M. 1982, c. 11 (s. 1) |
| #23 | Family Law - Part I The Support Obligation | February 27, 1976 | The Family Maintenance Act, S.M. 1978, c. 25 |
| #24 | Family Law - Part II Property Disposition | February 27, 1976 | An Act to Amend The Gift Tax Act (Manitoba) and The Succession Duty Act (Manitoba), S.M. 1977 (2nd Session), c. 2 |
| | | | The Marital Property Act, S.M. 1978, c. 24 |
| | | | An Act to Amend various Acts relating to Marital Property, S.M. 1978, c. 27 |
| | | | An Act to Amend The Wills Act, S.M. 1980, c. 7 |
| 5A | Limitation of Actions for the taking away, conversion or detention of chattels | May 26, 1975 | An Act to Amend The Fatal Accidents Act and Limitation of Actions Act, S.M. 1976, c. 41 (ss. 2-4) |
| | Fifth Annual Report | March 29, 1976 | (not applicable) |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|---|--------------------|--|
| #25 | The Case for a Provincial Bill of Rights | May 19, 1976 | - |
| #26 | Revision of Birth Certificates of Trans-sexual Persons | September 13, 1976 | The Vital Statistics Act, S.M. 1982-83-84, c. 58 |
| | Sixth Annual Report | March 14, 1977 | (not applicable) |
| 7A | The Local Authorities Election Act | May 31, 1977 | An Act to Amend The Local Authorities Election Act, S.M. 1980, c. 48 |
| | Seventh Annual Report | March 1, 1978 | (not applicable) |
| #27 | Limitation of Actions: Time Extensions for Children, Disabled Persons and Others | January 8, 1979 | An Act to Amend The Limitation of Actions Act, S.M. 1980, c. 28 |
| #28 | Enforcement of Judgments Part I: Exemptions under The Garnishment Act | January 8, 1979 | An Act to Amend The Garnishment Act, S.M. 1979, c. 8 |
| #29 | Emergency Apprehension, Admissions and Rights of Patients under The Mental Health Act | February 12, 1979 | An Act to Amend The Mental Health Act, S.M. 1980, c. 62 |
| #30 | Confidentiality of Adoption Records | February 12, 1979 | An Act to Amend The Child Welfare Act, S.M. 1979, c. 22 (s. 60) |
| | | | An Act to Amend The Child Welfare Act, S.M. 1980, c. 41 |
| | | | Establishment of a Post-adoption Registry |
| 8A | Section 5(1) of The Social Allowances Act | March 30, 1978 | The Statute Law Amendment Act (1984), S.M. 1984, c. 17 |
| | Eighth Annual Report | February 12, 1979 | (not applicable) |
| #31 | Political Financing and Election Expenses | August 13, 1979 | The Elections Finances Act, S.M. 1980, c. 68 |
| #32 | Mechanics' Liens Legislation | August 13, 1979 | The Builders' Liens Act, S.M. 1980-81, c. 7 |
| #33 | Enforcement of Revenue Statutes | August 13, 1979 | The Charter Compliance Statute Amendment Act, S.M. 1985, c. 50 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|--|-------------------|--|
| #34 | Enforcement of Judgments Part III: Exemptions under The Executions Act | October 22, 1979 | An Act to Amend The Executions Act, S.M. 1980, c. 55 |
| #35 | Estate Claims for Loss of Expectation of Life | October 22, 1979 | An Act to Amend The Fatal Accidents Act and The Trustee Act, S.M. 1980, c. 5 |
| #36 | Improved Methods of Enforcing Support Orders Against Real Property | November 19, 1979 | The Family Law Amendment Act, S.M. 1980, c. 54 |
| #37 | Systems of Voter Registration | November 26, 1979 | The Elections Act, S.M. 1980, c. 67 |
| #38 | The One Year Rule for Enforcement of Arrears in Maintenance | January 21, 1980 | An Act to Amend The Family Maintenance Act and The Queen's Bench Act, S.M. 1980, c. 21 |
| 9A | The Fire Departments Arbitration Act | April 17, 1979 | An Act to Amend The Fire Departments Arbitration Act, S.M. 1980, c. 27 |
| 9B | Section 7 of The Payment of Wages Act | August 15, 1979 | An Act to Amend The Payment of Wages Act, S.M. 1980, c. 57 |
| 9C | The Seduction Act | October 22, 1979 | The Equality of Status Act, S.M. 1982, c. 10 |
| 9D | Section 9 of The Manitoba Evidence Act | November 6, 1979 | An Act to Amend The Manitoba Evidence Act, S.M. 1980, c. 26 |
| 9E | The Wills Act and Ademption | November 20, 1979 | An Act to Amend The Wills Act, S.M. 1980, c. 7 |
| 9F | The term "illegitimate" | December 4, 1979 | (change not recommended) |
| | Ninth Annual Report | February 25, 1980 | (not applicable) |
| #39 | Controverted Elections | April 21, 1980 | - |
| #40 | Enforcement of Judgments Part II: Exemptions under The Judgments Act | April 21, 1980 | - |
| #41 | The Statute of Frauds | August 11, 1980 | An Act to repeal the Statute of Frauds, S.M. 1982-83-84, c. 34 |
| #42 | Occupiers' Liability | August 11, 1980 | The Occupiers' Liability Act, S.M. 1982-83-84, c. 29; The Statute Law Amendment Act (1984), S.M. 1984, c. 17 (s. 28) |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|--|--------------------|---|
| #43 | The Wills Act and the Doctrine of Substantial Compliance | September 8, 1980 | The Wills Act, S.M. 1982-83-84, c. 31 |
| #44 | The General Register | September 22, 1980 | The Real Property Act and Various Other Acts Amendments Act, S.M. 1987, c. 27 |
| #45 | Simplified Mortgage | December 15, 1980 | (legislative amendment not required) |
| 10A | Municipal Assessment of Personal Property | February 26, 1980 | (referred to Special Committee) |
| 10B | The Marriage Settlement Act | October 9, 1980 | The Statute Law Amendment Act, S.M. 1980-81, c. 26 (s. 22) |
| | Tenth Annual Report | February 16, 1981 | (not applicable) |
| #46 | Conflict of Interest of Municipal Councillors | January 4, 1982 | The Municipal Conflict of Interest Act, S.M. 1982-83-84, c. 44 |
| #47 | Prejudgment Compensation on Money Awards: Alternatives to Interest | January 4, 1982 | The Judgment Interest and Discount Act, S.M. 1986, c. 39 (implemented in principle) (now contained in Part XIV of The Court of Queen's Bench Act) |
| #48 | Prescriptive Easements and Profits-à-prendre | January 18, 1982 | - |
| #49 | The Rules Against Accumulations and Perpetuities | February 12, 1982 | The Perpetuities and Accumulations Act, S.M. 1982-83-84, c. 43 |
| #50 | Investment Provisions under The Trustee Act | February 12, 1982 | An Act to Amend The Trustee Act, S.M. 1982-83-84, c. 38 |
| 11A | Parents' Maintenance Legislation | March 3, 1981 | The Parents' Maintenance Act, S.M. 1985-86, c. 47, s. 34 |
| 11B | Provincial Offences Procedures | June 29, 1981 | An Act to Amend The Summary Convictions Act, S.M. 1982, c. 24 |
| 11C | The Remembrance Day Act | January 28, 1982 | - |
| | Eleventh Annual Report | February 14, 1982 | (not applicable) |
| #51 | The Survivorship Act | September 7, 1982 | The Survivorship Act, S.M. 1982-83-84, c. 28 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|---|-------------------|---|
| #52 | Structure of the Courts, Part I: Amalgamation of the Court of Queen's Bench and the County Courts of Manitoba | October 25, 1982 | <p>An Act to Amend The Queen's Bench Act and to repeal The County Courts Act, The Surrogate Courts Act and The County Court Judges' Criminal Courts Act and to amend The Municipal Boundaries Act, S.M. 1982-83-84, c. 82</p> <p>The Court of Queen's Bench Small Claims Practices Act, S.M. 1982-83-84, c. 83</p> <p>The Court of Queen's Bench Surrogate Practice Act, S.M. 1982-83-84, c. 84</p> <p>An Act to amend Various Acts of the Legislature to facilitate the Reorganization and Expansion of the Court of Queen's Bench, S.M. 1982-83-84, c. 85</p> |
| #53 | The Law of Domicile | December 1, 1982 | The Domicile and Habitual Residence Act, S.M. 1982-83-84, c. 80 |
| #54 | Certificates of Lis Pendens | February 1, 1983 | The Court of Queen's Bench Act, S.M. 1988-89, c. 4 (s. 58) |
| #55 | Structure of the Courts, Part II: The Adjudication of Smaller Claims | March 7, 1983 | The Statute Law Amendment Act (1985), S.M. 1985, c. 51 |
| | Twelfth Annual Report | April 11, 1983 | (not applicable) |
| #56 | Medical Privilege | October 4, 1983 | (privilege not recommended) |
| #57 | Uniform Sale of Goods Act | November 1, 1983 | - |
| | Thirteenth Annual Report | April 2, 1984 | (not applicable) |
| #58 | Administrative Law; Part I: Procedures of Provincial Government Agencies | June 29, 1984 | (legislative amendment not required); implementation, in part, through governmental policy |
| #59 | Breach of Promise to Marry | October 1, 1984 | The Family Law Amendment Act, S.M. 1987, c. 21 |
| #60 | An Examination of The Dower Act | November 19, 1984 | The Homesteads, Marital Property Amendment and Consequential Amendments Act, S.M. 1992, c. 46 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|---|-------------------|---|
| #61 | Intestate Succession | March 25, 1985 | The Intestate Succession and Consequential Amendments Act, S.M. 1989-90, c. 43 |
| 14A | Jactitation of Marriage | October 5, 1984 | The Family Law Amendment Act, S.M. 1987, c. 21 |
| | Fourteenth Annual Report | April 2, 1985 | (not applicable) |
| #62 | Small Projects | October 7, 1985 | The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32 |
| | 1) Section 6 of The Mercantile Law Amendment Act | | |
| | 2) The Rule in Shelley's Case | | |
| | 3) Permissive and Equitable Waste | | |
| #63 | The Testators Family Maintenance Act | December 16, 1985 | The Dependents Relief Act, S.M. 1989-90, c. 42 |
| #64 | The Married Women's Property Act and Related Matters | December 16, 1985 | - |
| #65 | Section 83 of The Queen's Bench Act | March 31, 1986 | The Statute Law Amendment Act (1986), S.M. 1986-87, c. 19 (s. 12) |
| #66 | The Human Tissue Act | March 31, 1986 | The Human Tissue Act, S.M. 1987, c. 39; The Human Tissue Amendment Act, S.M. 1989-90, c. 28 |
| | | | An Act to Amend The Anatomy Act, S.M. 1987, c. 57 |
| 15A | Section 300 of The Liquor Control Act | June 17, 1985 | The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32 |
| | Fifteenth Annual Report | May 6, 1986 | (not applicable) |
| #67 | Sections 33 and 34 of The Wills Act | June 16, 1986 | The Statute Law Amendment Act (1987), S.M. 1987-88, c. 66 (s. 25); The Wills Amendment Act, S.M. 1989-90, c. 44 |
| #68 | Periodic Payment of Damages | March 31, 1987 | The Court of Queen's Bench and Consequential Amendments Act, S.M. 1993, c. 19 |
| #69 | Administrative Law, Part II: Judicial Review of Administrative Action | March 31, 1987 | - |
| | Sixteenth Annual Report | April 13, 1987 | (not applicable) |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|--|--------------------|---|
| 17A | The Wages Recovery Act | September 9, 1987 | The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32 |
| | Seventeenth Annual Report | September 14, 1988 | (not applicable) |
| #70 | The Manitoba Law Reform Commission: A Framework for the Future | November 23, 1988 | The Law Reform Commission Act, S.M. 1989-90, c. 25 |
| #71 | The Bulk Sales Act | December 21, 1988 | The Law Reform (Miscellaneous Amendments) Act, S.M. 1992, c. 32 |
| | Eighteenth Annual Report | August 8, 1989 | (not applicable) |
| #72 | The Independence of Provincial Judges | June 28, 1989 | The Provincial Court Amendment Act, S.M. 1989-90, c. 34; The Provincial Court Amendment Act, S.M. 1994, c. 14 |
| | Nineteenth Annual Report | May 15, 1990 | (not applicable) |
| #73 | Statutory Designations and The Retirement Plan Beneficiaries Act | October 23, 1990 | The Retirement Plan Beneficiaries Act, S.M. 1992, c. 31 |
| 20A | Limitation of Actions Brought by the Crown | September 27, 1990 | - |
| 20B | Replevin and the Need for Prior Possession | January 28, 1991 | (change not recommended) |
| | Twentieth Annual Report | March 31, 1991 | (not applicable) |
| #74 | Self-Determination in Health Care (Living Wills and Health Care Proxies) | June 25, 1991 | The Health Care Directives and Consequential Amendments Act, S.M. 1992, c. 33 |
| #75 | The Independence of Justices of the Peace and Magistrates | August 15, 1991 | - |
| #76 | Sterilization and Legal Incompetence | January 27, 1992 | (change not recommended) |
| | Twenty-first Annual Report | March 31, 1992 | (not applicable) |
| #77 | Non-charitable Purpose Trusts | September 21, 1992 | - |
| #78 | Tort Liability for Animals | November 23, 1992 | The Animal Liability and Consequential Amendment Act, S.M. 1998, c. 8 |
| #79 | Ethical Investments by Trustees | January 25, 1993 | The Trustee Amendment Act, S.M. 1995, c. 14 |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|--|--------------------|--|
| 22A | Scope of Apportionment under The Tortfeasors and Contributory Negligence Act | June 22, 1992 | - |
| 22B | Section 23 of The Wills Act Revisited | December 14, 1992 | The Wills Amendment Act, S.M. 1995, c. 12 |
| | Twenty-second Annual Report | March 31, 1993 | (not applicable) |
| #80 | Privity of Contract | October 5, 1993 | - |
| #81 | Distress for Rent in Commercial Tenancies | January 4, 1994 | - |
| #82 | Pre-contractual Misstatements | March 7, 1994 | - |
| #83 | Enduring and Springing Powers of Attorney | March 29, 1994 | The Powers of Attorney and Mental Health Amendment Act, S.M. 1996, c. 62 |
| | Twenty-third Annual Report | March 31, 1994 | (not applicable) |
| #84 | Regulating Professions and Occupations | October 28, 1994 | Partly implemented, in principle, by amendments to various Acts of the Legislature |
| #85 | Arbitration | November 28, 1994 | The Arbitration and Consequential Amendments Act, S.M. 1997, c. 4 |
| #86 | Covenants in Commercial Tenancies | March 28, 1995 | - |
| 24A | A Small Discrepancy between The Elections Act and The Local Authorities Election Act | April 26, 1994 | - |
| 24B | Lapsed Residual Gifts in Wills | May 16, 1994 | (no longer required due to <i>Re Smith and McKay</i> (1994), 116 D.L.R. (4th) 308 (Man. C.A.)) |
| 24C | Security for the Administration of Estates | October 6, 1994 | - |
| | Twenty-fourth Annual Report | March 31, 1995 | (not applicable) |
| #87 | Interim Payment of Damages | June 6, 1995 | - |
| #88 | Reselling Unused Cemetery Plots | September 21, 1995 | - |
| #89 | The Trust Provisions in The Perpetuities and Accumulations Act | September 21, 1995 | - |
| #90 | Residential Exemptions from Judgment Execution | October 17, 1995 | - |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|----------|--|-------------------|--|
| #91 | Minors' Consent to Health Care | December 12, 1995 | - |
| #92 | Fundamental Breach and Frustration in Commercial Tenancies | January 23, 1996 | - |
| #93 | Animal Protection | February 13, 1996 | The Animal Care Act, S.M. 1996, c. 69 |
| | Twenty-fifth Annual Report | March 31, 1996 | (not applicable) |
| #94 | Confidentiality of Mediation Proceedings | April 23, 1996 | - |
| #95 | Commercial Tenancies: Miscellaneous Issues | July 29, 1996 | - |
| #96 | Special Constables | November 12, 1996 | Implemented, in part, through administrative action of the Department of Justice's Law Enforcement Services |
| #97 | Section 270 of The Highway Traffic Act | March 24, 1997 | - |
| #98 | Stalking | May 28, 1997 | The Domestic Violence and Stalking Prevention, Protection and Compensation and Consequential Amendment Act, S.M. 1998, c. 41 |
| | Twenty-sixth Annual Report | June 30, 1997 | (not applicable) |
| #99 | Review of the Small Claims Court | March 17, 1998 | The Court of Queen's Bench Small Claims Practices Amendment and Parental Responsibility Amendment Act, S.M. 1999, c. 22 |
| | Twenty-seventh Annual Report | March 31, 1998 | (not applicable) |
| #100 | Class Proceedings | January 1999 | - |
| | Twenty-eighth Annual Report | March 31, 1999 | (not applicable) |
| 101 | Trustee Investments: The Modern Portfolio Theory | June 1999 | - |
| 102 | Informal Assessment of Competence | September 1999 | - |
| 103 | Adult Protection and Elder Abuse | December 1999 | - |

| Report # | Title | Date | Implementation of Commission's Recommendations |
|-------------|----------------------------|----------------|---|
| | Twenty-ninth Annual Report | March 31, 2000 | (not applicable) |